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2 CITY COUNCIL

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CITY OF NEW YORK

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THE TRANSCRIPT OF THE MINUTES

6

of the

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COMMITTEE ON YOUTH SERVICES

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10 March 12, 2007

Start: 11:15 a.m.

11 Recess: 12:25 p.m.

12 City Hall

250 Broadway, 14th Floor

13 New York, New York

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B E F O R E:

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MIGUEL MARTINEZ

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Acting Chairperson,

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COUNCIL MEMBERS: Sara Gonzalez

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Melissa Mark-Viverito

Dennis Gallagher

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James Oddo

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2 going to allow each witness three minutes testimony.

3 MR. FRANKLE: Good morning. I'm here

4 for the use of wood bats in high school. I believe

5 that the game itself, being a professional athlete

6 for 22 years and playing with wood bats 22 years,

7 and seeing the other side, and also coaching for the

8 Little League this past year, we played in some wood

9 bat tournaments and some aluminum tournaments, and I

10 believe the game is totally different, less

11 offensive oriented with the aluminum bats -- with

12 the wood bats it's less offensive oriented.

13 We were in a tournament, a wood bat

14 tournament where one of my players hit a line drive

15 off of a boy's chest, and the kid went down. I

16 believe if it was an aluminum bat, I don't think the

17 kid would have gotten up. I play with some

18 professional athletes who have been hit in the head
19 with wood bats, Al Leighter (phonetic), Billy
20 Wagner, if they got hit in the head with aluminum
21 bats, I think the outcome would have been totally
22 different.

23 I think it's for safety reasons why.
24 You know, I don't have that data, but I can tell you
25 from speaking professional and being involved in

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2 baseball since I'm four years old, I've been hit
3 plenty of times with wood and aluminum, it still
4 hurts no matter where you get hit from, but I just
5 think that the -- I just feel in my heart that it
6 would be much more safety for the kids and that's
7 what this is all about, safety for the kids. This
8 isn't about -- I know it's about dollars and cents
9 and it goes a long way, that's a whole other issue,

10 but I'm here to try to protect the kids and that's
11 what I truly believe in my heart, that going to wood
12 bats would also help them with safety, it would also
13 get talent. You know, I throw batting practices for
14 some high school teams right now, and while the ball
15 is just getting out of my hand, it's already hitting
16 the net, and I don't even see it coming at me.

17 It's dangerous. It's very, very
18 dangerous. Like I said before, I'm sure you have
19 people here who have all kinds of data and
20 statistics, and this and that, I'm speaking from
21 someone who is standing on the mound for 22 years
22 and I can see the difference. While I'm standing in
23 the stands watching my son play, or some of the
24 other little leaguers, I can see the difference.

25 You have a gentleman who is going to

2 be speaking in a little while, that his son got hit
3 in the chest. I just met him this morning. When you
4 listen to this gentleman speak about the
5 rehabilitation and the stuff that his son is going
6 through, go visit this gentleman, go spend a day
7 with him and see what he is going through with his
8 family. You can't imagine what he's going through.

9 And I truly believe that if you do go
10 over to wood bats, I think you will protect some of
11 the kids and try to prevent some of these injuries.

12 ACTING CHAIRPERSON MARTINEZ: Thank
13 you. Seeing no questions from my colleagues, I want
14 to thank you for your testimony.

15 Do you have a question?

16 Council Member Oddo has a question
17 for you.

18 COUNCIL MEMBER ODDO: I just want to
19 thank John, first as a Met fan for lots of great
20 moments, and secondly as a Staten Islander for
21 having John come down for a busy schedule. John,
22 just two quick questions.

23 One is, do you have any affiliation
24 with any wood bat company, or any bat company for
25 that matter?

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2 MR. FRANKLE: I have no affiliation.

3 I'm a retired man living on a pension right now. No,
4 I have no affiliate with anyone right now.

5 COUNCIL MEMBER ODDO: So, why did you
6 come down here today? What was your motivation?

7 MR. FRANKLE: I see the way the game
8 is changing. The game is getting so much faster.
9 I've seen that kid get hit in the chest last year
10 out on Long Island, and thank God he got up, and I
11 have a son who is going into high school right now
12 and I truly believe to measure the high school
13 talent and the kids' talent, why not start them with
14 the wood bats, because if they're to pursue a

15 professional career, they're going to have to go
16 with wood bats, and I also believe that it's
17 probably a little bit safer for the wood bats. I'm
18 sure there's plenty of people here who would
19 disagree with me, professionally speaking, and
20 someone who has been there for a long time, I
21 really, truly believe the game may be a little bit
22 slower with a bat.

23 I mean, some of the tournaments we
24 went to, games were 10/9, you know, 11/2, but some
25 of the games we went to with the wood bat tournament

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2 2/1, 3/2, it makes it so much enjoyable. And
3 talking, obviously, from a pitcher's standpoint, you
4 like to see those type of games.

5 COUNCIL MEMBER ODDO: Mr. Chairman, I

6 just want to put into the record an article from the

2 Thank you.

3 MR. MANDL: Good morning. My name is
4 Steve Mandl. I'm the Head Baseball Coach at George
5 Washington High School right here in New York City.
6 I also work for the BCA, Baseball Coach Organization
7 of American, I'm on the Executive Board, and I'm on
8 the Rules Committee of the ABCA. I was the Athletic
9 Director for 11 years at George Washington and the
10 Assistant Principal for eight years. So, you know,
11 students and safety are always a big issue with us.

12 We have one of the top programs in
13 the United States, we've put four kids into the
14 Major League, and God knows how many in the minor
15 leagues. So, we're always thinking about the next
16 level and pro ball. And my team actually practices
17 with wood, but the reason we do has nothing to do
18 with safety, it has to do with what John Frankle
19 said, and that is because on the next level in pro
20 ball, that's what they're going to use.

21 Now, we want to go by, you know, if
22 there is scientific evidence, you know, we care
23 about safety, I'll be the first one to say, okay,

24 that's it, we're going to stop. But I haven't seen
25 any. And if we're going by, as John Frankle said,

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2 observation, I don't see it.

3 You know, Coach Polombo said one
4 thing that I want to expand on which makes a lot of
5 sense. The biggest difference that I see as a coach
6 for 24 years in that school, there is a big
7 difference between wood and aluminum. It has nothing
8 to do with the ball flying off the bat or going fast
9 or going further. The difference is in a wood bat
10 there is a sweet spot that they call, it's a little
11 area that when you hit the ball there, that's the
12 best spot where the ball is going to fly off the
13 bat.

14 If you hit a ball further away from
15 that, especially on the hands, the bat will break.

16 With a metal bat, it's not going to go further, but
17 there is more of an area where you can hit it and
18 you can get a base hit. So, in other words, you're
19 making some bad hitters into good hitters, because
20 they have a larger area to hit with, but I do not
21 see any balls flying off the bat any quicker.

22 Now, many times we say, you know, a
23 guy hits a ball, I had Manny Ramirez play for me and
24 he used to hit balls, 430, 440 feet in high school,
25 that's incredible, but he's in the major leagues

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2 now, he's hitting balls 480 feet. So, he's bigger,
3 he's stronger and he's using wood.

4 I haven't seen anybody, you know, get
5 killed or get hit. You know, my 24 years I've been
6 very fortunate to only see one kid get hit with a
7 ball off a metal bat and that ball hit him off the

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2 MR. POLOMBO: Speaking for John Jay
3 College, we have no sponsorships. We go out and buy
4 the most inexpensive bats we can.

5 MR. STAMPFEL: I'm not aware of any
6 schools that have any type of contract with any bat
7 company.

8 MR. CRUZ: I believe Hofstra has a
9 partial, it's equipment, it's everything, with
10 turfs, gloves, not just bats. They pay for it,
11 though. And my summer program, the parents, they go
12 out and buy their products.

13 COUNCIL MEMBER GALLAGHER: Thank you.

14 ACTING CHAIRPERSON MARTINEZ: Thank
15 you, gentlemen.

16 Our next witness is Mr. Domalewski.
17 You can start, sir.

18 MR. DOMALEWSKI: Council, thank you. I

19 wouldn't be one of the first ones to say that
20 government should really not interfere with
21 baseball, however, you're dealing with a product
22 issue where product has become unsafe, and this
23 product can't be governed by the manufacturers, not
24 being governed by the heads of the leagues, and
25 they're not being governed even by parents, because

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2 as a parent, too, I always tried to put the best bat
3 in my kid's hand because I loved to see him hit.
4 You are now being called to the
5 carpet to be advocates for these youth and their
6 safety. Everybody here who is testifying are adults.
7 These kids do not have a choice as to what is going
8 into their hands. And these bats have become so
9 technologically advanced that they have become
10 weapons for the children who are staring down the

11 barrels.

12 I'd like to read this one ad to you.

13 This comes from the December issue of Men's Health

14 Magazine, page 34. It is for the Easton Stealth Comp

15 CNT baseball and softball bat. "Witness the world's

16 first Carbon Nanotube all composite bat. Fancy NASA

17 peak (sic) for fully capable of beaming the third

18 baseman. The carbon composite material is 16 times

19 stronger than steel, aligned so as to widen the

20 sweet spot across the entire barrel. The handle

21 flexes slightly, catapulting the ball on contact.

22 Somehow it's completely legal. \$350, Easton.com."

23 I have witnessed for years balls

24 coming off aluminum bats. Everybody who plays the

25 game, everybody who coaches the kids just realize

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2 that not only does the ball come off these bats

3 faster, but the way they are balanced, now these
4 kids are able to swing these bats around.

5 It is said that a 13-year-old boy can
6 get the bat around as fast as a professional ball
7 player. So, you're dealing with something that is
8 not only catapulted off the bat, but something that
9 comes around faster.

10 My son was pitching and got caught in
11 the chest. There is a condition called commotio
12 cordis where the placement of the impact and the
13 timing was so that it sent my son into cardiac
14 arrest. He died on the field, and he was brought
15 back through CPR. During that time he lost oxygen to
16 his brain for somewhere from 15 to 20 minutes. He
17 then spent the next four to six weeks at home, and
18 is now dealing with a traumatic brain injury. You
19 know, people ask me, how is your son doing? And I
20 say, well, from the point of where he died on the
21 field, was in a coma on life support to the time
22 that he is now where he can't walk. He has limited
23 vision, if any. He can't talk. But God willing, he

24 keeps making little progress at a time. You know, my
25 son is doing a sentence, and to me the only thing he

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2 did wrong was to pitch to a guy holding a metal bat.

3 ACTING CHAIRPERSON MARTINEZ: Council

4 Member Oddo.

5 COUNCIL MEMBER ODDO: I just want to

6 thank Mr. Domalewski for coming down, and I just

7 want my colleagues to understand that when Lew

8 Fidler and I and the staff sat to figure out

9 witnesses, whether it was Deb Patch or Joe

10 Domalewski, we had a tough time coming to grips with

11 whether we should have these folks testify, because

12 there is a fine line between educating the public

13 and putting the face on this issue, and exploiting

14 tragedy and near tragedy, and I just want everyone

15 to know that Deb Patch last time, and Joe Domalewski

16 this time wanted to be here, they wanted to tell
17 their story, so that other parents don't have to
18 endure what they have endured. And I just want to
19 thank you for testifying.

20 MR. DOMALEWSKI: May I add something?

21 Would it be okay?

22 COUNCIL MEMBER ODDO: Sure.

23 MR. DOMALEWSKI: One of the questions

24 was, well, if it was a wood bat would this have

25 happened? My answer would be no. You know, some

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2 towns now in New Jersey have moved to wood bats. You

3 know, other towns now what they are doing is they

4 are moving the mounds back, they are putting chest

5 protectors on the kids, they're trying to do all

6 these other things for safety, but you know what?

7 They're just putting an aspirin in the situation and

8 not getting at the real cause of the pain.

9 These aluminum bats have just become
10 so advanced that they are dangerous, and these kids
11 just do not have a choice because these bats are
12 being put in their hands by adults.

13 Thank you.

14 ACTING CHAIRPERSON MARTINEZ: Thank
15 you, sir. Thank you for testifying.

16 Our next panel is Abraham Key, Dwight
17 Raiford and Richard Christine. I will ask you to
18 identify yourself and please remember three minutes
19 per testimony.

20 MR. KEY: My name is Abraham Key, and
21 I'm here today as the Vice President and Treasurer
22 of USA baseball headquartered in Durham, North
23 Carolina. I would like to read for the record a
24 letter to Chairman Fidler and his fellow Committee
25 members, from Paul Seiler, the Executive Director of

14 kids, and I am, to this day six years later, I am

15 still amazed at it.

16 ACTING CHAIRPERSON MARTINEZ: Thank

17 you, gentlemen. No further questions for any of the

18 colleagues. I also want to recognize Council Member

19 Melissa Mark-Viverito, who has joined us.

20 Thank you, gentlemen.

21 Our next panel is Phil Romero and

22 Richard Guarino.

23 We're going to ask, of you have any

24 questions, please step out into the hallway so we

25 can continue our hearing.

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2 Gentlemen, just identify yourselves,

3 and I want to remind you, we have three minutes for

4 your individual testimony.

5 MR. GUARINO: Good morning. My name is

6 Rich Guarino, and I am the Vice President of Staten
7 Island Baseball Alliance, the parent organization of
8 Staten Island's open baseball leagues, which
9 switched to wood bats eight years ago.

10 I'm not here to quote any scientific
11 data, but to talk about real on-the-field
12 experiences. Frankly, anyone who watches a game
13 played with high-tech bats and one played with wood
14 bats, can immediately see the difference. Balls come
15 off the high-tech bats faster and travel further.

16 Let me give you an example. The last
17 year we used high-tech bats, two of our better TM
18 Major League teams played the game at Mariner's
19 Harbor, which is a smallish fenced in ball park. The
20 teams combined to hit a total of 12 home runs in one
21 seven-inning game. The following year, when we went
22 to wood bats, in 12 weekend double headers, there
23 was a total of only 22 home runs hit for the whole
24 season.

25 Did our switch to it have an adverse

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2 affect on the popularity of our leagues? Just the
3 opposite. We have become the largest open sand lot
4 league in the metropolitan area, drawing teams from
5 Brooklyn and Queens and players from the five
6 boroughs and New Jersey.

7 Until last season, we even had a team
8 from Long Island, the Storm, travel to play in our
9 wood bat leagues.

10 While we're still in the
11 organizational stage, it appears that we will have
12 36 teams this year. To those who say that there will
13 be a decline in interest among young players as a
14 consequence of switching to wood. I cite a wood bat
15 tourney which will be played on Staten Island in
16 late June.

17 Originally there was supposed to be
18 24 teams, each 14 and under and 16 and under
19 categories, which are the high school age

20 categories, while those categories immediately
21 filled up, and had to be expanded to 32 teams for
22 each division.

23 Also let me point out that the cost
24 is no longer an excuse. Originally, some 30 years
25 ago, cost was the reason for the switch to aluminum

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2 bats, which then performed no differently than wood
3 and didn't cost much more. Today, high-tech bats
4 sell for as much as \$350, or what seven or eight
5 wood bats cost. In addition, there are now composite
6 bats like the Baum bat (phonetic), which often last
7 for two seasons and which are approved by Major
8 League Baseball for use in rookie league, short
9 season A ball, like the Staten Island Yankees and
10 Brooklyn Cyclones. A team could buy six composite
11 bats for approximately \$650 with the approximate

12 cost of two top of the line high-tech bats. If this
13 body is not prepared to mandate a switch to wood
14 bats in our high schools, it must assume share of
15 the responsibility for the injury, or God forbid,
16 the death of a high school player.

17 One last point is the issue of
18 fairness. If the City Council is not prepared to
19 prohibit high-tech bats in our high schools, then it
20 has an obligation to create a level playing field by
21 providing all of our high schools with high-tech
22 bats. Players in schools, in low-income areas, can't
23 afford top of the line high-tech bats. Consequently
24 players on teams from middle class areas have an
25 advantage because they have access to bats with

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2 larger sweet spots and greater trampoline effect.

3 Thank you for your time.